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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Maria FOTI, et al.

Application No.: New Application

Filed: April 7, 2005

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: 100506-00025

For: PHOTOPROTEIN WITH IMPROVED BIOLUMINESCENCE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

April 7, 2005

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the information item(s) listed on the attached Form PTO-SB08. Unless otherwise indicated herein, one copy of each item(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the item(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date or the date of filing a CPA, OR (b) before the mailing date of a first Office Action on the merits in the present application, or (c) accompanies a Request for Continued Examination. No certification or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

- ☐ c. A check in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the disclosed information.
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$130.00 in payment of the petition fee under 37 CFR §1.17(i)(1). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the disclosed information.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☒ 4. The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.

Respectfully submitted,


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RJB:mso

Enclosures: Form PTO-SB08; Search Report; References (4)

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO/SB/08b | | | | Complete if Known | |
| | | | | Application Number | New Application |
| | | | | Filing Date | April 7, 2005 |
| | | | | First Named Inventor | Maria FOTI, et al. |
| | | | | Art Unit | Unknown |
| | | | | Examiner Name | Unknown |
| Sheet | 1 | of | 1 | Attorney Docket Number | 100506-00025 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | Svetlana V. MARKOVA, et al.; "Obelin from the Bioluminescent Marine Hydroid Obelia Geniculata: Cloning, Expression, and Comparison of Some Properties with Those of Other CA ²⁺ -Regulated Photoproteins"; February 19, 2002; Biochemistry 2002, Vol. 41, No.7, Pages 2227-2236 | |
| | | Boris A. ILLARIONOV, et al.; "Recombinant Obelin: Cloning and Expression of cDNA, Purification, and Characterization as Calcium Indicator"; Methods in Enzymology; Vol. 305, 2000, Pages 223-249 | |
| | | Frederick I. TSUJI, et al.; "Molecular Evolution of the Ca ²⁺ -Binding Photoproteins of the Hydrozoa"; Photochemistry and Photobiology, Vol. 62, No.4, 1995, Pages 657-661 | |
| | | S.V. MATVEEV, et al.; "Genetically Engineered Obelin as a Bioluminescent Label in an Assay for a Peptide"; Analytical Biochemistry, Vol. 270, No. 1, May 15, 1999, Pages 69-74 | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code. ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.